1

2

3

4

5   IN THE UNITED STATES DISTRICT COURT

6   FOR THE EASTERN DISTRICT OF CALIFORNIA

7

8   RAYMOND HANLEY; MARSHA HANLEY;   )
    HANLEY LIMITED PARTNERS, LLC,   )   2:11-cv-02682-GEB-EFB
9   )
                   Plaintiffs,   )
10   )   ORDER[*]
           v.   )
11   )
    DOCTORS EXPRESS FRANCHISING,   )
12 LLC; RHINO 7 CONSULTING COMPANY;   )
    and DOES 1 through 25,   )
13 inclusive,   )
)
14   Defendants.   )
    _____)

15

16   Pending are motions for dismissal of Plaintiff's Complaint.

17 However, since this case was removed from state court by Defendant

18 Doctors Express Franchising, LLC ("Doctors Express") on the basis of

19 diversity removal jurisdiction which has not been shown to exist, this

20 case will be remanded to the state court from which it was removed.
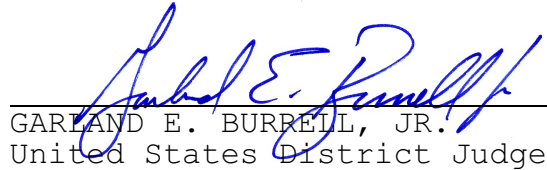
21   "There is a strong presumption against removal jurisdiction,

22 and the removing party has the burden of establishing that removal is

23 proper." Lindley Contours, LLC v. AABB Fitness Holdings, Inc., 2011 WL

24 398861, at *1 (9th Cir. Feb. 8, 2011) (internal quotation marks

25 omitted). Doctors Express has not sufficiently alleged the citizenship

26 of all owners/members of Plaintiff Hanley Limited Partners, LLC or

27 _____

28   [*]   This matter is deemed suitable for decision without oral
    argument. E.D. Cal. R. 230(g).

                                    1

1 Defendant Doctors Express Franchising, LLC. "For purposes of diversity

2 jurisdiction, . . . a limited liability corporation is a citizen of all

3 of the states of which its owners/members are citizens. . . . [T]he

4 citizenship of all members of limited liability corporations . . .

5 [must] be alleged." Id.

6   Since the removant has failed to show diversity of citizenship

7 removal jurisdiction, this case is remanded to the Superior Court of the

8 County of Sacramento as required by 28 U.S.C. § 1447(c).

9 Dated: November 17, 2011

10

11 _____
   GARLAND E. BURRELL, JR.

12 United States District Judge

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28